

GRAY, RUST, ST. AMAND, MOFFETT & BRIESKE, L.L.P.

ATTORNEYS AT LAW

950 EAST PACES FERRY ROAD
1700 ATLANTA PLAZA
ATLANTA, GEORGIA 30326

(404) 870-7436 (Telephone)
(404) 870-1041 (Facsimile)
cjones@grsmb.com (E-mail)

July 1, 2015

Via Electronic Mail

David T. Lashgari, Esq.
Lashgari & Associates, P.C.
2470 Windy Hill Rd., Suite 214
Marietta, Georgia 30067

RE: **Medina Maxwell v. The Kroger Co.**
Case No. 1:14-CV-04041 ELR
United States District Court, Northern District of Georgia

Dear Mr. Lashgari:

Please accept this letter as our good faith effort to resolve a discovery dispute pursuant to Federal Rule of Civil Procedure Rule 37.

We have requested to take Plaintiff's deposition as it relates to her claims made in the above-referenced case since April 2015. To date, Plaintiff has failed to make discovery and appear for her deposition after being properly noticed of same. [Please see attached Defendant's Notice and Amended Notices to Take Deposition and Notice to Produce to Plaintiff Medina Maxwell dated May 4, 2015, May 14, 2015, and June 8, 2015 attached hereto as Exhibits A, B, and C, respectively]. Consistent with our previous conversations via telephone and electronic mail, we have made a good faith effort to comply with Plaintiff's schedule, last minute cancellations, and request to have Robert Chandler's deposition on the same day. Despite said attempts, Defendant has been unable to conduct proper discovery in this case, which has resulted in an undue delay.

We are requesting that Plaintiff be made available for deposition on July 7, 2015 at 10:00 a.m. at our office. [See file-stamped copy of Defendant's Fourth Amended Notice to Take Deposition and Notice to Produce to Plaintiff Medina Maxwell dated July 1, 2015 attached hereto at Exhibit D]. Although we would rather resolve this issue without intervention by the Court, we will be forced to file a Motion to Compel and seek if you fail to comply with Defendant's request by close of business on **July 7, 2015**.

David T. Lashgari, Esq.
July 1, 2015
Page 2

Please call our office if you have any questions regarding this matter.

Kindest regards,



Candis R. Jones

Enclosures

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MEDINA MAXWELL,

Plaintiff,

v.

THE KROGER CO.,

Defendant.

CIVIL ACTION

FILE NO.: 1:14-cv-04041 ELR

NOTICE TO TAKE DEPOSITION AND
NOTICE TO PRODUCE TO PLAINTIFF MEDINA MAXWELL

PLEASE TAKE NOTICE that counsel for Defendant The Kroger Co. will take the discovery deposition of **Medina Maxwell** on May 19, 2015, beginning at 10:00 a.m., at the Law Firm of GRAY, RUST, ST. AMAND, MOFFETT & BRIESKE, L.L.P., 950 East Paces Ferry Road, 1700 Atlanta Plaza, Atlanta, Georgia 30326. This deposition will be taken pursuant to the provisions of Fed R. Civ. P. 30 for purposes of discovery and all other purposes allowed by law. The deposition will be taken before an officer duly authorized by law to take depositions, and will be recorded by stenographic means.

The deponent and parties are further notified to produce the items described and

identified below at the commencement of the deposition for use at the deposition.

NOTICE TO PRODUCE

1.

Please present for inspection the shoes you were wearing at the time of the alleged accident that Defendant requested in Interrogatory 24 of *Defendant The Kroger Co.'s First Interrogatories to Plaintiff Medina Maxwell*.

Respectfully submitted, this the 4th day of May, 2015.

**GRAY, RUST, ST. AMAND,
MOFFETT & BRIESKE, L.L.P.**

1700 Atlanta Plaza
950 East Paces Ferry Road
Atlanta, Georgia 30326
Telephone: (404) 870-7436
Facsimile: (404) 870-1030
E-mail: mmoffett@grsmb.com
cjones@grsmb.com

/S/ Candis Jones
Matthew G. Moffett
Georgia State Bar No.: 515323
Candis Jones
Georgia State Bar No.: 636218
Attorneys for Defendant The Kroger Co.

CERTIFICATE OF SERVICE

This is to certify that the undersigned served a true and correct copy of the foregoing **NOTICE TO TAKE DEPOSITION AND NOTICE TO PRODUCE TO PLAINTIFF MEDINA MAXWELL** upon all counsel of record via U.S Mail to:

David T. Lashgari, Esq.
Lashgari & Associates, PC
2470 Windy Hill Rd., Suite 214
Marietta, Georgia 30067

Dated, this the 4th day of May, 2015.

**GRAY, RUST, ST. AMAND,
MOFFETT & BRIESKE, L.L.P.**

1700 Atlanta Plaza
950 East Paces Ferry Road
Atlanta, Georgia 30326
Telephone: (404) 870-7436
Facsimile: (404) 870-1030
E-mail: mmoffett@grsmb.com
cjones@grsmb.com

/S/ Candis Jones
Matthew G. Moffett
Georgia State Bar No.: 515323
Candis Jones
Georgia State Bar No.: 636218
Attorneys for Defendant The Kroger Co.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MEDINA MAXWELL,

Plaintiff,

v.

THE KROGER CO.,

Defendant.

CIVIL ACTION

FILE NO.: 1:14-cv-04041 ELR

**AMENDED NOTICE TO TAKE DEPOSITION AND
NOTICE TO PRODUCE TO PLAINTIFF MEDINA MAXWELL**

PLEASE TAKE NOTICE that counsel for Defendant The Kroger Co. will take the discovery deposition of **Medina Maxwell** on May 19, 2015, beginning at 10:00 a.m., at the Law Firm of Lashgari & Associates, P.C., 2470 Windy Hill Road, Suite 214, Marietta, Georgia 30067. This deposition will be taken pursuant to the provisions of Fed R. Civ. P. 30 for purposes of discovery and all other purposes allowed by law. The deposition will be taken before an officer duly authorized by law to take depositions, and will be recorded by stenographic means.

The deponent and parties are further notified to produce the items described and identified below at the commencement of the deposition for use at the deposition.

NOTICE TO PRODUCE

1.

Please present for inspection the shoes you were wearing at the time of the alleged accident that Defendant requested in Interrogatory 24 of *Defendant The Kroger Co.'s First Interrogatories to Plaintiff Medina Maxwell*.

Respectfully submitted, this the 14th day of May, 2015.

**GRAY, RUST, ST. AMAND,
MOFFETT & BRIESKE, L.L.P.**

1700 Atlanta Plaza

950 East Paces Ferry Road

Atlanta, Georgia 30326

Telephone: (404) 870-7436

Facsimile: (404) 870-1030

E-mail: mmoffett@grsmb.com
cjones@grsmb.com

/S/ Candis Jones

Matthew G. Moffett

Georgia State Bar No.: 515323

Candis Jones

Georgia State Bar No.: 636218

Attorneys for Defendant The Kroger Co.

CERTIFICATE OF SERVICE

This is to certify that the undersigned served a true and correct copy of the foregoing **AMENDED NOTICE TO TAKE DEPOSITION AND NOTICE TO PRODUCE TO PLAINTIFF MEDINA MAXWELL** upon all counsel of record via U.S Mail to:

David T. Lashgari, Esq.
Lashgari & Associates, PC
2470 Windy Hill Rd., Suite 214
Marietta, Georgia 30067

Dated, this the 14th day of May, 2015.

**GRAY, RUST, ST. AMAND,
MOFFETT & BRIESKE, L.L.P.**

1700 Atlanta Plaza
950 East Paces Ferry Road
Atlanta, Georgia 30326
Telephone: (404) 870-7436
Facsimile: (404) 870-1030
E-mail: mmoffett@grsmb.com
cjones@grsmb.com

/S/ Candis Jones
Matthew G. Moffett
Georgia State Bar No.: 515323
Candis Jones
Georgia State Bar No.: 636218
Attorneys for Defendant The Kroger Co.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MEDINA MAXWELL,

Plaintiff,

v.

THE KROGER CO.,

Defendant.

CIVIL ACTION

FILE NO.: 1:14-cv-04041 ELR

**AMENDED NOTICE TO TAKE DEPOSITION AND
NOTICE TO PRODUCE TO PLAINTIFF MEDINA MAXWELL**

PLEASE TAKE NOTICE that counsel for Defendant The Kroger Co. will take the discovery deposition of **Medina Maxwell** on June 25, 2015, beginning at 10:00 a.m., at the Law Firm of Gray, Rust, St. Amand, Moffett & Brieske LLP, 1700 Atlanta Plaza, 950 East Paces Ferry Road, Atlanta, Georgia 30326. This deposition will be taken pursuant to the provisions of Fed R. Civ. P. 30 for purposes of discovery and all other purposes allowed by law. The deposition will be taken before an officer duly authorized by law to take depositions, and will be recorded by stenographic means.

The deponent and parties are further notified to produce the items described and identified below at the commencement of the deposition for use at the deposition.

NOTICE TO PRODUCE

1.

Please present for inspection the shoes you were wearing at the time of the alleged accident that Defendant requested in Interrogatory 24 of *Defendant The Kroger Co.'s First Interrogatories to Plaintiff Medina Maxwell*.

Respectfully submitted, this the 8th day of June, 2015.

**GRAY, RUST, ST. AMAND,
MOFFETT & BRIESKE, L.L.P.**

1700 Atlanta Plaza

950 East Paces Ferry Road

Atlanta, Georgia 30326

Telephone: (404) 870-7436

Facsimile: (404) 870-1030

E-mail: mmoffett@grsmb.com
cjones@grsmb.com

/S/ Candis Jones

Matthew G. Moffett

Georgia State Bar No.: 515323

Candis Jones

Georgia State Bar No.: 636218

Attorneys for Defendant The Kroger Co.

CERTIFICATE OF SERVICE

This is to certify that the undersigned served a true and correct copy of the foregoing **AMENDED NOTICE TO TAKE DEPOSITION AND NOTICE TO PRODUCE TO PLAINTIFF MEDINA MAXWELL** upon all counsel of record via U.S Mail to:

David T. Lashgari, Esq.
Lashgari & Associates, PC
2470 Windy Hill Rd., Suite 214
Marietta, Georgia 30067

Dated, this the 8th day of June, 2015.

**GRAY, RUST, ST. AMAND,
MOFFETT & BRIESKE, L.L.P.**

1700 Atlanta Plaza
950 East Paces Ferry Road
Atlanta, Georgia 30326
Telephone: (404) 870-7436
Facsimile: (404) 870-1030
E-mail: mmoffett@grsmb.com
cjones@grsmb.com

/S/ Candis Jones
Matthew G. Moffett
Georgia State Bar No.: 515323
Candis Jones
Georgia State Bar No.: 636218
Attorneys for Defendant The Kroger Co.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MEDINA MAXWELL,

Plaintiff,

v.

THE KROGER CO.,

Defendant.

CIVIL ACTION

FILE NO.: 1:14-cv-04041 ELR

**THIRD AMENDED NOTICE TO TAKE DEPOSITION AND
NOTICE TO PRODUCE TO PLAINTIFF MEDINA MAXWELL**

PLEASE TAKE NOTICE that counsel for Defendant The Kroger Co. will take the discovery deposition of **Medina Maxwell** on July 7, 2015, beginning at 10:00 a.m., at the Law Firm of Gray, Rust, St. Amand, Moffett & Brieske LLP, 1700 Atlanta Plaza, 950 East Paces Ferry Road, Atlanta, Georgia 30326. This deposition will be taken pursuant to the provisions of Fed R. Civ. P. 30 for purposes of discovery and all other purposes allowed by law. The deposition will be taken before an officer duly authorized by law to take depositions, and will be recorded by stenographic means.

The deponent and parties are further notified to produce the items described and identified below at the commencement of the deposition for use at the deposition.

NOTICE TO PRODUCE

1.

Please present for inspection the shoes you were wearing at the time of the alleged accident that Defendant requested in Interrogatory 24 of *Defendant The Kroger Co.'s First Interrogatories to Plaintiff Medina Maxwell*.

Respectfully submitted, this the 1st day of July, 2015.

**GRAY, RUST, ST. AMAND,
MOFFETT & BRIESKE, L.L.P.**

1700 Atlanta Plaza

950 East Paces Ferry Road

Atlanta, Georgia 30326

Telephone: (404) 870-7436

Facsimile: (404) 870-1030

E-mail: mmoffett@grsmb.com
cjones@grsmb.com

/S/ Candis Jones

Matthew G. Moffett

Georgia State Bar No.: 515323

Candis Jones

Georgia State Bar No.: 636218

Attorneys for Defendant The Kroger Co.

CERTIFICATE OF SERVICE AND COMPLIANCE

This is to certify that the undersigned served a true and correct copy of the foregoing **THIRD AMENDED NOTICE TO TAKE DEPOSITION AND NOTICE TO PRODUCE TO PLAINTIFF MEDINA MAXWELL** upon all counsel of record via CM/ECF:

David T. Lashgari, Esq.
Lashgari & Associates, PC
2470 Windy Hill Rd., Suite 214
Marietta, Georgia 30067

This is to further certify that the foregoing complies with the font and point selections approved by the Court in Local Rule 5.1. It is prepared in Times New Roman 14 point font.

Dated, this the 1st day of July, 2015.

**GRAY, RUST, ST. AMAND,
MOFFETT & BRIESKE, L.L.P.**

1700 Atlanta Plaza
950 East Paces Ferry Road
Atlanta, Georgia 30326
Telephone: (404) 870-7436
Facsimile: (404) 870-1030
E-mail: mmoffett@grsmb.com
cjones@grsmb.com

/S/ Candis Jones
Matthew G. Moffett
Georgia State Bar No.: 515323
Candis Jones
Georgia State Bar No.: 636218
Attorneys for Defendant The Kroger Co.